



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R07-OAR-2013-0672; FRL-9909-43-Region 7]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve a revision to the State Implementation Plan (SIP) submitted by the State of Missouri for the purpose of incorporating administrative changes to the Missouri rule entitled "Municipal Solid Waste Landfills". EPA is approving this SIP revision based on EPA's finding that the rule is as stringent as the rule it replaces and fulfills the requirements of the Clean Air Act (CAA or Act) for the protection of the ozone National Ambient Air Quality Standards (NAAQS) in St. Louis.

DATES: This direct final rule will be effective [**FEDERAL**

REGISTER OFFICE: INSERT DATE 60 DAYS FROM THE DATE OF

PUBLICATION IN THE FEDERAL REGISTER], without further notice,

unless EPA receives adverse comment by [**FEDERAL REGISTER OFFICE:**

INSERT DATE 30 DAYS FROM THE DATE OF PUBLICATION IN THE FEDERAL

REGISTER]. If EPA receives adverse comment, we will publish a

timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R07-OAR-2013-0672, by one of the following methods:

1. www.regulations.gov. Follow the on-line instructions for submitting comments.
2. Email: Bernstein.craig@epa.gov
3. Mail or Hand Delivery: Craig Bernstein, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219.

Instructions: Direct your comments to Docket ID No. EPA-R07-OAR-2013-0672. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through www.regulations.gov or email information that you consider to be CBI or otherwise protected. The www.regulations.gov website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going

through www.regulations.gov, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219. The Regional Office's official hours of business are Monday through Friday, 8:00 to 4:30 excluding Federal holidays. The interested

persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Craig Bernstein, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at 913-551-7688, or by email at Bernstein.craig@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document "we," "us," or "our" refer to EPA. This section provides additional information by addressing the following:

- I. What is Being Addressed in this Document?
- II. Have the Requirements for Approval of a SIP Revision Been Met?
- III. What action is EPA taking?

I. What is Being Addressed in this Document?

EPA is approving a revision to the State Implementation Plan (SIP) submitted by the State of Missouri for the purpose of incorporating administrative changes to the Missouri rule entitled "Municipal Solid Waste Landfills" rule, 10 CSR 10-5.490. This revision updates the rule to maintain consistency with the Federal requirements, corrects typographical errors, includes formatting changes, and corrects inconsistencies from previous final rule actions. Missouri's request to move definitions to rule 10 CSR 10-6.020 "Definitions and Common Reference Tables" will be addressed in a separate rulemaking action.

Specifically, the State of Missouri made the following changes in rule 10 CSR 10-5.490 "Municipal Solid Waste Landfills". Subsections (1)(B) and (1)(C) were amended to add and correct legal citations. Subsection (1)(D) was added to match the text of 40 CFR 60, subpart Cc. Section (2) was amended to move all definitions to Missouri rule 10 CSR 10-6.020 which will be addressed in a separate action. Section (3) was amended and sections (4) through (7) were amended and renumbered to match the format of rule 10 CSR 10-6.310 "Restriction of Emissions from Municipal Solid Waste Landfills" and text of 40 CFR 60, subpart WWW, and correct legal citations. Subpart (3)(C) was added to incorporate by reference parts of the Code of Federal Regulations. Section (4) was added to match rule 10 CSR 10-6.310 and the most current 40 CFR 60, subpart WWW. Sections (9) and (10) were added to match rule 10 CSR 10-6.310 and the text of 40 CFR 60, subpart WWW.

In a separate action being published in today's Federal Register, EPA is taking action to approve Missouri's state plan for designated facilities for Municipal Solid Waste Landfills under CAA 111(d) authority. This separate action pertains to Missouri rules 10 CSR 10-5.490 and 10 CSR 10-6.310.

II. Have the Requirements for Approval of a SIP Revision Been Met?

The Missouri Air Conservation Commission adopted these actions on February 12, 2012, after considering comments received at public hearing. The rule became effective on May 30, 2012. The commission has full legal authority to develop rules pursuant to Section 643.050 of the Missouri Air Conservation Law. The state followed all applicable administrative procedures in proposing and adopting the rule actions.

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfies the completeness criteria of 40 CFR part 51, appendix V. In addition the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

III. What Action is EPA Taking?

EPA is approving the revision to the SIP submitted by the State of Missouri for the purpose of incorporating administrative changes to the "Municipal Solid Waste Landfills" rule 10 CSR 10-5.490. EPA is approving this SIP revision based on EPA's finding that the rule is as stringent as the rule it replaces and fulfills the requirements of the CAA.

EPA is publishing this rule without a prior proposed rule

because we view this as a noncontroversial action and anticipate no adverse comment because the revisions are administrative and consistent with Federal regulations. However, in the "Proposed Rules" section of today's **Federal Register**, we are publishing a separate document that will serve as the proposed rule to approve the SIP revision. If EPA receives adverse comments on this direct final rule, we will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. We would address all public comments in any subsequent final rule based on the proposed rule.

Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);

- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major

rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by [**FEDERAL REGISTER** OFFICE: INSERT DATE 60 DAYS FROM DATE OF PUBLICATION OF THIS DOCUMENT IN THE **FEDERAL REGISTER**]. Filing a petition for reconsideration by the Administrator of this direct final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control,
Incorporation by reference, Intergovernmental relations, Ozone,
Particulate matter, Reporting and recordkeeping requirements,
Volatile organic compounds.

Dated: April 3, 2014

Karl Brooks,
Regional Administrator,
Region 7.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52 - [AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

Subpart AA - Missouri

2. In § 52.1320 the table in paragraph (c) is amended by revising the entry for 10-5.490 as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-Approved Missouri Regulations

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
* * * * *				
Chapter 5—Air Quality Standards and Air Pollution Control Regulations for the St. Louis Metropolitan Area				
* * * * *				
10-5.490	Municipal Solid Waste Landfills.	5/30/12	[FEDERAL REGISTER OFFICE: insert date of Federal Register publication and insert Federal Register page number where the document begins]	
* * * * *				

* * * * *

[FR Doc. 2014-08338 Filed 04/14/2014 at 8:45 am; Publication
Date: 04/15/2014]